

The Honorable Robert J. Bryan

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

C. P., by and through his parents, Patricia
Pritchard and Nolle Pritchard; and
PATRICIA PRITCHARD,

Plaintiffs,

v.

BLUE CROSS BLUE SHIELD OF ILLINOIS,
Defendant.

NO. 3:20-cv-06145-RJB

STIPULATION AND [PROPOSED]
ORDER RE: CASE SCHEDULING
ORDER

Noted for Consideration:
January 3, 2023

I. STIPULATION

The parties, by and through their counsel, stipulate that the operative Order Amending Case Scheduling Order and subsequent modifications (Dkt. No. 73) should be stricken, for good cause.

Since the Court issued its Order on Cross Motions for Summary Judgment, Dkt. No. 146 and 148, corrected), the parties have met and conferred regarding the upcoming case deadlines and the timing for the remedies briefing ordered by the Court. The parties agree that the Court's determination of the appropriate remedies to be awarded to plaintiffs and the plaintiff class may eliminate the need for a trial or may result in a significantly narrowed trial on issues related to remedies.

1 As a result, the parties agree and stipulate that the current pre-trial and trial dates
 2 should be stricken from the Court's calendar, and that the parties will engage in briefing
 3 on the proposed remedies. Within ten days after the Court's determination of the
 4 briefing regarding remedies, the parties will meet and confer to determine whether a
 5 trial schedule is still required to resolve the remaining issues in the case, if any. If the
 6 parties determine that a trial is required, they will propose a mutually agreed upon trial
 7 schedule.¹

8 In sum, for good cause, the parties stipulate that the remaining deadlines in the
 9 case scheduling order should be stricken, and the following briefing schedule regarding
 10 remedies should be ordered:

11 Plaintiff Class's Motion re: Remedies should be filed by no later than February 9,
 12 2023, and noted for no later than March 3, 2023. Briefing on remedies should proceed
 13 according to the timing and requirements for summary judgment motions. Within ten
 14 days after the Court's decision on the Plaintiff Class's Motion, the parties will meet and
 15 confer to determine whether any issues remain for trial, and if so, will propose a
 16 mutually agreeable trial schedule. If no trial is required, the parties will so notify the
 17 Court.

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 24 ¹ Defendant's counsel expressed that it intends to move to decertify the class. Plaintiff Class maintains
 25 that a motion for decertification is improper after the Court issued a judgment on classwide liability,
 26 pursuant to Rule 23(c)(1)(c). Defendant anticipates moving to decertify on or before February 9, 2023, but
 the Plaintiff class does not stipulate or agree that such a motion is either proper or requested by the Court's
 Order, Dkt. No. 146 and 148.

1 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

2 DATED: January 3, 2023.

3 KILPATRICK TOWNSEND
4 & STOCKTON LLP

5 /s/ Gwendolyn C. Payton
6 Gwendolyn C. Payton (WSBA #26752)
7 John R. Neeleman (WSBA #19752)
8 Stephanie N. Bedard, *pro hac vice*

9 Attorneys for Defendant
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LAMBDA LEGAL DEFENSE AND
EDUCATION FUND, INC.

14 /s/ Omar Gonzalez-Pagen
15 Omar Gonzalez-Pagan, *pro hac vice*
16 Jennifer C. Pizer, *pro hac vice*
17 Attorneys for Plaintiffs

II. ORDER

Pursuant to the Stipulation by all parties, IT IS SO ORDERED that the Order Amending Case Scheduling Order, Dkt. No. 73, is stricken. Plaintiff Class's Motion re: Remedies shall be filed by no later than February 9, 2023, and noted for no later than March 3, 2023. Briefing on remedies shall proceed according to the timing and requirements for summary judgment motions. Within ten days after the Court's decision on the Plaintiff Class's Motion, the parties shall meet and confer to determine whether any issues remain for trial, and if so, shall propose a mutually agreeable trial schedule. If no trial is required, the parties shall so notify the Court.

DATED this _____ day of January, 2023.

ROBERT J. BRYAN
United States District Judge

Presented by:

SIRIANNI YOUTZ
SPOONEMORE HAMBURGER PLLC

/s/ Eleanor Hamburger
Eleanor Hamburger (WSBA # 26478)
Richard E. Spoonemore (WSBA #21833)

LAMBDA LEGAL DEFENSE AND
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/s/ Omar Gonzalez-Pagan
Omar Gonzalez-Pagan, *pro hac vice*
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Attorneys for Plaintiffs

1 Approved for entry:

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STIPULATION AND ORDER RE:
CASE SCHEDULING ORDER – 5
[Case No. 3:20-cv-06145-RJB]

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